



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No.09/465,492
Filing Date December 16, 1999
Inventor..... V. Segal
Assignee..... Honeywell International, Inc.
Group Art Unit..... 1742
Examiner H. Wilkins III
Attorney's Docket No. 30-5004(4015)
Title: Sputtering Targets Formed From Cast Materials

**PETITION TO INVOKE THE SUPERVISORY AUTHORITY OF THE COMMISSIONER
UNDER 1.181(a)(3) TO RESET PERIOD FOR REPLY TO ACTION AND REVIVE
UNINTENTIONALLY ABANDONED APPLICATION**

To: Commissioner of Patents
Washington, D.C. 20231

From: Jennifer J. Taylor, Ph.D. (Tel. 509-624-4276; Fax 509-838-3424)
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Petition is hereby made to invoke the supervisory authority of the Commissioner to reset the period for reply to the Office Actions dated July 26, 2001 and March 6, 2002 pertaining to the above identified application, due to late receipt of the Actions. If the Application is held to be abandoned, Applicant petitions to revive the Application based upon unintentional abandonment. Applicant believes no fee is due since, as discussed below, any abandonment of the application occurred through PTO error.

Applicant received both the July 26, 2001 Action and the March 6, 2002 Action from the USPTO by facsimile on October 7, 2002 in response to a request for a copy such Actions from the Examiner. A copy of the USPTO fax cover sheet and the Office Action Cover Sheets are enclosed herewith evidencing the receipt of such Actions by the

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applicant on the indicated date of facsimile. Applicant had not received either of the July 26, 2001 or the March 6, 2002 Actions prior to October 7, 2002. The period for reply had expired on each Action prior to receipt by the applicant.

The non-receipt by the applicant of the mailed Actions was due to the incorrect address indication on each Action, as evidenced by the enclosed cover sheets. The first of the two Actions, which was mailed on July 26, 2001, was mailed nearly 16 months after the correspondence address was designated in the Combined Inventor's Declaration and Power of Attorney filed on April 28, 2000 in reply to the Notice to File Missing Parts.

A copy of the original executed Declaration/Power of Attorney is provided herewith evidencing the initial designation of correspondence address (see Declaration, page 1). Also enclosed is a copy of the Transmittal and Certificate of Mailing that accompanied the Declaration. The enclosed Returned Postcard from the PTO acknowledges the May 2, 2000 receipt of the Inventor Declaration and the copy of the Notice to File Missing Parts.

In addition to the above evidence, applicant also submits herewith a copy of the change of correspondence address spreadsheet submitted on June 15, 2001. Additionally enclosed is a copy of the original Assignment evidencing the authority of the Assignee to designate the correspondence address. The date that the Request for Change of Correspondence Address and accompanying spreadsheet (in paper form and on IBM-compatible diskette) were submitted to the PTO is evidenced by the enclosed copy of the corresponding Transmittal and Certificate of Mailing. The receipt of the Request for Change in Correspondence Address by the PTO is evidenced by the enclosed copy of the Return Postcard from the PTO acknowledging receipt on June 18, 2001.

Applicant notes that the Actions dated July 26, 2001 and March 6, 2002, were each mailed after the initial designation of correspondence address and also subsequent to the receipt by the PTO of Applicant's request for change in the correspondence address. Both Actions were mailed to an incorrect address that was neither the initially specified or subsequently specified correspondence address.

On January 23, 2002, applicant submitted a Supplemental Response to an Office Action dated March 6, 2001. At the time of filing of the Supplemental Response, applicant had not received the outstanding Action dated July 26, 2001. Accordingly, applicant was not afforded an opportunity to prepare and present a reply to the July 26, 2001 Action. The Supplemental Response filed on January 23, 2002 presented new claims for entry into the Application. Such new claims were entered into the application as indicated by the Examiner in the Action dated March 6, 2002, at page 2. Applicant notes that in the Response to Arguments section at page 10 of the March 6, 2002 Action, the Examiner refers to "Applicant arguments filed 24 January 2002". However, the Supplemental Response filed on January 23, 2001 included only the request for entry of new claims and discussion of such claims with reference to the Response to the March 6, 2001 Action. No responsive arguments were presented in such Supplemental Response since the outstanding Action had not been received by the applicant.

Since applicant did not provide responsive arguments to either the July 26, 2001 or the March 6, 2002 Actions, it is possible that the application can be considered to have become abandoned for lack of complete response. To the effect that any such abandonment is considered to have occurred, applicant hereby petitions for revival of the application.

For the reasons discussed above, applicant requests the period for reply be reset, and revival of the application to the extent that the application is considered abandoned. Since applicant was not afforded an opportunity to reply to the July 26, 2001 Action, and since the Action dated March 6, 2002 was made final, Applicant respectfully requests reset of the period to reply to the March 6, 2002 action and withdrawal of the finality of such Action.

The applicant's petition to reset the period for response is timely since it is being filed within 2 weeks of the October 7, 2002 receipt of the Actions at the correct correspondence address (MPEP § 710.06).

Applicant believes that no petition fees are due since the incorrect indication of address on the Actions was not due to any act of the applicant. In the event that a fee is found to be due, the Commissioner is hereby authorized to charge such fee to Account No.:23-0925.

Respectfully submitted,

Dated: 10/9/2002

By: Jennifer J. Taylor

Jennifer J. Taylor, Ph.D.
Reg. No. 48,711

Enclosures: Copy of Inventor's Declaration/Power of Attorney, copy of Transmittal and Certificate of Mailing; copy of return postcard. Copy of Original Assignment. Copy of Request for Change in Correspondence Address, copy of Transmittal and Certificate of Mailing, and copy of return postcard. Copy of USPTO fax coversheet; copy of July 26, 2001 Office Action coversheet showing date of facsimile; copy of March 6, 2002 Office Action coversheet showing date of facsimile.

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